

City of Alexandria, Virginia

MEMORANDUM

25
11-16-02
11-12-02

DATE: NOVEMBER 5, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER

SUBJECT: BIG BOX RETAIL USES ORDINANCE

ISSUE: Ordinance to regulate big box retail uses.

RECOMMENDATION: That City Council pass the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, November 16.

DISCUSSION: At the Council's Saturday October 19 public hearing meeting, Council approved a proposed text amendment to regulate big box retail establishments. Specifically, the ordinance would change the zoning ordinance to require a special use permit for any retail establishment over 20,000 gross square feet in size. Attached is the ordinance adopting the approved text amendment.

One of the issues discussed at Council's hearing was the grandfathering of existing retail establishments that fall within the big box threshold. Examples include grocery stores, the stores at Potomac Yard shopping center, BJ's and others. As to grandfathering, the Council's action included the following specific direction, now included in the language of the attached ordinance:

- any existing retail establishment over 20,000 gross square feet is grandfathered as to the new regulation; it may continue to exist indefinitely without the necessity of obtaining a special use permit;
- grandfathered stores may change ownership without triggering a SUP requirement;
- grandfathered stores may change from one retail use to another retail use without obtaining an SUP;
- grandfathered stores may expand by adding a maximum of 20,000 square feet to the existing store without SUP approval; and
- grandfathered stores, if removed, may be reconstructed up to a maximum size of the size of the prior store plus 20,000 square feet in addition, without triggering the SUP requirement.

Finally, Council asked that staff study the issue of big box regulation in order to determine whether there are other, better ways to regulate their design and operational impacts; discuss its findings with the community and interested parties; and recommend additional regulations if appropriate. Planning staff will initiate this work within the next month or so.

ATTACHMENT: Ordinance

STAFF:

Eileen Fogarty, Director, Planning and Zoning

25
11-16-02

~~11/16~~
~~11-12-02~~

Introduction and first reading:	11/12/02
Public hearing:	11/16/02
Second reading and enactment:	11/16/02

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Sections 4-102 (PERMITTED USES) and 4-103 (SPECIAL USES) under Section 4-100 (CL/COMMERCIAL LOW ZONE), Sections 4-202 (PERMITTED USES) and 4-203 (SPECIAL USES) under Section 4-200 (CC/COMMERCIAL COMMUNITY ZONE), Sections 4-302 (PERMITTED USES) and 4-303 (SPECIAL USES) under Section 4-300 (CSL/COMMERCIAL SERVICE LOW ZONE), Sections 4-402 (PERMITTED USES) and 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-502 (PERMITTED USES) and 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Sections 4-602 (PERMITTED USES) and 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Sections 4-802 (PERMITTED USES) and 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Sections 4-902 (PERMITTED USES) and 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Sections 4-1002 (PERMITTED USES) and 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Sections 4-1102 (PERMITTED USES) and 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Sections 4-1202 (PERMITTED USES) and 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); and Sections 5-102 (PERMITTED USES) and 5-103 (SPECIAL USES) under Section 5-100 (CRMU-L/COMMERCIAL RESIDENTIAL MIXED-USED LOW ZONE), Sections 5-202 (PERMITTED USES) and 5-203 (SPECIAL USES) under Section 5-200 (CRMU-M/COMMERCIAL RESIDENTIAL MIXED-USE MEDIUM ZONE), Sections 5-302 (PERMITTED USES) and 5-303 (SPECIAL USES) under Section 5-300 (CRMU-H/COMMERCIAL RESIDENTIAL MIXED-USE HIGH ZONE), all of Article V (MIXED USE ZONES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-601(CERTAIN RETAIL SHOPPING ESTABLISHMENT USES DEEMED GRANDFATHERED OR CONFORMING), all of the City of Alexandria Zoning Ordinance (TA No. 2002-0006).

Summary

The proposed ordinance accomplishes the final adoption of Text Amendment No. 2002-0006, to require a special use permit for retail uses larger than 20,000 square feet in all commercial, office, industrial and mixed use zones in which retail uses do not presently require special use permit approval (except in the CR/Commercial Regional Zone at the Landmark shopping center), and provides grandfathering rules to protect existing uses which do not have special use permit approval.

Sponsor

Department of Planning and Zoning

Staff

Eileen Fogarty, Director of Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(w), 9.12, Alexandria City Charter
§ 11-800, City of Alexandria Zoning Ordinance

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

25
11-16-02

~~11-16-02~~
11-12-02

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Sections 4-102 (PERMITTED USES) and 4-103 (SPECIAL USES) under Section 4-100 (CL/COMMERCIAL LOW ZONE), Sections 4-202 (PERMITTED USES) and 4-203 (SPECIAL USES) under Section 4-200 (CC/COMMERCIAL COMMUNITY ZONE), Sections 4-302 (PERMITTED USES) and 4-303 (SPECIAL USES) under Section 4-300 (CSL/COMMERCIAL SERVICE LOW ZONE), Sections 4-402 (PERMITTED USES) and 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-502 (PERMITTED USES) and 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Sections 4-602 (PERMITTED USES) and 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Sections 4-802 (PERMITTED USES) and 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Sections 4-902 (PERMITTED USES) and 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Sections 4-1002 (PERMITTED USES) and 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Sections 4-1102 (PERMITTED USES) and 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Sections 4-1202 (PERMITTED USES) and 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); and Sections 5-102 (PERMITTED USES) and 5-103 (SPECIAL USES) under Section 5-100 (CRMU-L/COMMERCIAL RESIDENTIAL MIXED-USED LOW ZONE), Sections 5-202 (PERMITTED USES) and 5-203 (SPECIAL USES) under Section 5-200 (CRMU-M/COMMERCIAL RESIDENTIAL MIXED-USE MEDIUM ZONE), Sections 5-302 (PERMITTED USES) and 5-303 (SPECIAL USES) under Section 5-300 (CRMU-H/COMMERCIAL RESIDENTIAL MIXED-USE HIGH ZONE), all of Article V (MIXED USE ZONES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-601(CERTAIN RETAIL SHOPPING ESTABLISHMENT USES DEEMED GRANDFATHERED OR CONFORMING), all of the City of Alexandria Zoning Ordinance (TA No. 2002-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 4-102, 4-202, 4-302, 4-402, 4-502, 4-602, 4-802, 4-902, 4-1002, 5-102, 5-202 and 5-302 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by amending the several subsections thereof which establish a "retail shopping establishment" as a permitted use, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

- () Retail shopping establishment, up to 20,000 gross square feet;

Section 2. That Subsection (M) of Section 4-1102 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

- (M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;

Section 3. That Subsection (V.1) of Section 4-1202 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows; provided, however, that the phrase "shopping establishment" shall be deemed declaratory of existing law:

(V.1) Retail shopping establishment, up to 20,000 gross square feet;

Section 4. That Sections 4-103, 4-203, 4-303, 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003, 4-1203, 5-103, 5-203 and 5-303 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by adding thereto a new subsection, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

() Retail shopping establishment, larger than 20,000 gross square feet;

Section 5. That Section 4-1103 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Subsection (X.1) to read as follows:

(X.1) Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;

Section 6. That Article XII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-601, to read as follows:

Sec. 12-601 Certain retail shopping establishment uses deemed grandfathered or conforming.

(A) Rules generally not applicable. The rules in this Article XII for nonconforming and noncomplying uses shall not apply to retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which no special use permit for the use has been approved prior to such date, or (2) for which a preliminary site plan, but no special use permit for the use, has been approved prior to October 19, 2002, and has not expired. Such uses shall be categorized as grandfathered uses, and shall be governed by the provisions of this Section 12-601. In case of conflict between the provisions of this section and any other provision of this ordinance, the provisions of this section shall control.

(B) Expansion. Physical expansion or enlargement of the use in the amount of 20,000 gross square feet or less is permitted without special use permit approval.

(C) Intensification. Intensification of the use not involving physical expansion or enlargement is permitted without special use permit approval.

(D) Continuation or change in use. The use may be continued by successive owners, and may be changed to a different retail use, without approval of a special use permit. The use may be changed to any other use permitted in the zone in which it is located; provided, however, that if a special use permit is required for such other use by the regulations of such zone, then a special use permit shall be required for such change in use.

(E) Reconstruction. If the building in which the use is located is destroyed, demolished or otherwise removed, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such event, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.

(F) Signs, parking and use characteristics. Notwithstanding any other provision of this section, if the characteristics of the use, such as signs, off-street parking and loading, lighting or other features pertaining to the use of land, structures and premises are inconsistent with the regulations of the zone in which the use is located or other applicable regulations of this ordinance, no change to the use or such feature (to include in the case of off-street parking or loading a change or increase in the use served) shall be made which increases the inconsistency or lack of compliance with the zone or other applicable regulations, but a change may be made which decreases such inconsistency, or which complies with the zone and other applicable regulations.

(G) Other changes. Any change to the use other than as expressly permitted in subsections (B) through (F) of this section, and which is otherwise permitted by this ordinance, shall require special use permit approval for the entire use.

(H) Abandonment. In the event that, after October 19, 2002, the use ceases actual retail operation for a period of five consecutive years or more, the grandfathered status of the use shall terminate, and the use of the property shall thereafter conform to the use regulations of the zone in which it is located.

(I) FAR, height, etc. not affected. Nothing in this section shall be deemed to permit any increase in floor area ratio, height or other regulation expressed as a maximum, nor to permit any reduction in required parking, setbacks, open space or other regulation expressed as a minimum, otherwise applicable to the use under this ordinance.

(J) Site plan required. Nothing in this section shall be deemed to excuse the requirement for a site plan pursuant to Section 11-400 of this ordinance.

(K) Conforming uses. Retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which a special use permit for the use has been approved prior to such date, or (2) for which a special use permit for the use has been approved prior to October 19, 2002, and has not expired shall be categorized as conforming uses; shall not be subject to the provisions of this section, and shall be subject to the terms and conditions of the special use permit.

Section 7. That Sections 4-102, 4-103, 4-202, 4-203, 4-302, 4-303, 4-402, 4-403, 4-502, 4-503, 4-602, 4-603, 4-802, 4-803, 4-903, 4-1002, 4-1003, 4-1102, 4-1103, 4-1202, 4-1203, 5-102, 5-103, 5-202, 5-203, 5-302, 5-303, and Article XII of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after October

19, 2002, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said ordinance.

KERRY J. DONLEY
Mayor

Introduction:	11/12/02
First Reading:	11/12/02
Publication:	11/14/02
Public Hearing:	11/16/02
Second Reading:	11/16/02
Final Passage:	

Amendment to Section 12-601(E):(E) Repair and reconstruction.

- (1) The building in which the use is located may be repaired, remodeled, upgraded and maintained, except as provided in paragraph (3).
- (2) If the building in which the use is located is damaged or destroyed as the result of a casualty loss, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such loss, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.
- (3) If the building in which the use is located is demolished or removed other than as the result of a casualty loss, the property shall thereafter conform to the regulations of the zone in which it is located, and other applicable regulations of this ordinance. *to the foundation*

25
11-16-02

Amendment to Section 12-601(E):

(E) Repair and reconstruction.

- (1) The building in which the use is located may be repaired, remodeled, upgraded and maintained, except as provided in paragraph (3).
- (2) If the building in which the use is located is damaged or destroyed as the result of a casualty loss, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such loss, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.
- (3) If the building in which the use is located is demolished or removed other than as the result of a casualty loss, the property shall thereafter conform to the regulations of the zone in which it is located, and other applicable regulations of this ordinance.

TO THE
TOP OF
THE
FOUNDATION OR
~~GROUND~~
BELOW,

ORDINANCE NO. 4280

AN ORDINANCE to amend and reordain Sections 4-102 (PERMITTED USES) and 4-103 (SPECIAL USES) under Section 4-100 (CL/COMMERCIAL LOW ZONE), Sections 4-202 (PERMITTED USES) and 4-203 (SPECIAL USES) under Section 4-200 (CC/COMMERCIAL COMMUNITY ZONE), Sections 4-302 (PERMITTED USES) and 4-303 (SPECIAL USES) under Section 4-300 (CSL/COMMERCIAL SERVICE LOW ZONE), Sections 4-402 (PERMITTED USES) and 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-502 (PERMITTED USES) and 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Sections 4-602 (PERMITTED USES) and 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Sections 4-802 (PERMITTED USES) and 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Sections 4-902 (PERMITTED USES) and 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Sections 4-1002 (PERMITTED USES) and 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Sections 4-1102 (PERMITTED USES) and 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Sections 4-1202 (PERMITTED USES) and 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); and Sections 5-102 (PERMITTED USES) and 5-103 (SPECIAL USES) under Section 5-100 (CRMU-L/COMMERCIAL RESIDENTIAL MIXED-USED LOW ZONE), Sections 5-202 (PERMITTED USES) and 5-203 (SPECIAL USES) under Section 5-200 (CRMU-M/COMMERCIAL RESIDENTIAL MIXED-USE MEDIUM ZONE), Sections 5-302 (PERMITTED USES) and 5-303 (SPECIAL USES) under Section 5-300 (CRMU-H/COMMERCIAL RESIDENTIAL MIXED-USE HIGH ZONE), all of Article V (MIXED USE ZONES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-601(CERTAIN RETAIL SHOPPING ESTABLISHMENT USES DEEMED GRANDFATHERED OR CONFORMING), all of the City of Alexandria Zoning Ordinance (TA No. 2002-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 4-102, 4-202, 4-302, 4-402, 4-502, 4-602, 4-802, 4-902, 4-1002, 5-102, 5-202 and 5-302 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by amending the several subsections thereof which establish a "retail shopping establishment" as a permitted use, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

() Retail shopping establishment, up to 20,000 gross square feet;

Section 2. That Subsection (M) of Section 4-1102 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;

Section 3. That Subsection (V.1) of Section 4-1202 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows; provided, however, that the phrase "shopping establishment" shall be deemed declaratory of existing law:

(V.1) Retail shopping establishment, up to 20,000 gross square feet;

Section 4. That Sections 4-103, 4-203, 4-303, 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003, 4-1203, 5-103, 5-203 and 5-303 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by adding thereto a new subsection, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

() Retail shopping establishment, larger than 20,000 gross square feet;

Section 5. That Section 4-1103 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Subsection (X.1) to read as follows:

(X.1) Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;

Section 6. That Article XII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-601, to read as follows:

Sec. 12-601 Certain retail shopping establishment uses deemed grandfathered or conforming.

(A) *Rules generally not applicable.* The rules in this Article XII for nonconforming and noncomplying uses shall not apply to retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which no special use permit for the use has been approved prior to such date, or (2) for which a preliminary site plan, but no special use permit for the use, has been approved prior to October 19, 2002, and has not expired. Such uses shall be categorized as grandfathered uses, and shall be governed by the provisions of this Section 12-601. In case of conflict between the provisions of this section and any other provision of this ordinance, the provisions of this section shall control.

(B) *Expansion.* Physical expansion or enlargement of the use in the amount of 20,000 gross square feet or less is permitted without special use permit approval.

(C) *Intensification.* Intensification of the use not involving physical expansion or enlargement is permitted without special use permit approval.

(D) *Continuation or change in use.* The use may be continued by successive owners, and may be changed to a different retail use, without approval of a special use permit. The use may be changed to any other use permitted in the zone in which it is located; provided, however, that if a special use permit is required for such other use by the regulations of such zone, then a special use permit shall be required for such change in use.

(E) Repair and reconstruction.

- (1) The building in which the use is located may be repaired, remodeled, upgraded and maintained, except as provided in paragraph (3).
- (2) If the building in which the use is located is damaged or destroyed as the result of a casualty loss, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such loss, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.
- (3) If the building in which the use is located is demolished or removed to the top of the foundation or below, other than as the result of a casualty loss, the property shall thereafter conform to the regulations of the zone in which it is located, and other applicable regulations of this ordinance.

(F) Signs, parking and use characteristics. Notwithstanding any other provision of this section, if the characteristics of the use, such as signs, off-street parking and loading, lighting or other features pertaining to the use of land, structures and premises are inconsistent with the regulations of the zone in which the use is located or other applicable regulations of this ordinance, no change to the use or such feature (to include in the case of off-street parking or loading a change or increase in the use served) shall be made which increases the inconsistency or lack of compliance with the zone or other applicable regulations, but a change may be made which decreases such inconsistency, or which complies with the zone and other applicable regulations.

(G) Other changes. Any change to the use other than as expressly permitted in subsections (B) through (F) of this section, and which is otherwise permitted by this ordinance, shall require special use permit approval for the entire use.

(H) Abandonment. In the event that, after October 19, 2002, the use ceases actual retail operation for a period of five consecutive years or more, the grandfathered status of the use shall terminate, and the use of the property shall thereafter conform to the use regulations of the zone in which it is located.

(I) FAR, height, etc. not affected. Nothing in this section shall be deemed to permit any increase in floor area ratio, height or other regulation expressed as a maximum, nor to permit any reduction in required parking, setbacks, open space or other regulation expressed as a minimum, otherwise applicable to the use under this ordinance.

(J) Site plan required. Nothing in this section shall be deemed to excuse the requirement for a site plan pursuant to Section 11-400 of this ordinance.

(K) Conforming uses. Retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which a special use permit for the use has been approved prior to such date, or (2) for which a special use permit for the use has been approved prior to October 19, 2002, and has not expired shall be categorized as

conforming uses; shall not be subject to the provisions of this section, and shall be subject to the terms and conditions of the special use permit.

Section 7. That Sections 4-102, 4-103, 4-202, 4-203, 4-302, 4-303, 4-402, 4-403, 4-502, 4-503, 4-602, 4-603, 4-802, 4-803, 4-903, 4-1002, 4-1003, 4-1102, 4-1103, 4-1202, 4-1203, 5-102, 5-103, 5-202, 5-203, 5-302, 5-303, and Article XII of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after October 19, 2002, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said ordinance.

KERRY J. DONLEY
Mayor

Final Passage: November 16, 2002

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

25
11-16-02

DOCKET ITEM NO. 25

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Cathy Puskar
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arlington, VA
TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: _____
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? WRIT
Home Depot
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: _____ OTHER: X
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL? YES X NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.